

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Katsuhito Kitahara, et al.	Art Unit:	2622
Serial No:	10/016,940	Examiner:	Robert N. Kang
Filed:	December 13, 2001	Confirmation No.:	3867
Title:	Method For Generating A Print Data File, Method For Storing Print Data, A Data Storage Medium Therefor, And An Apparatus For Generating A Data Storage File		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheets.

Currently, claims 1, 2, 3, 10, 11, 12, 19, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamzy (U.S. Pat. 6,604,111), hereinafter Hamzy.

Applicants had previously argued that Hamzy does not teach at least two key limitations of the present invention. The present invention requires the creation of "print data" and a "command data set", both of which are packaged into a "data storage file". Execution of the "command data set" by a host device directs the host device to transfer the print data (that is packaged within the data storage file along with the command data set), to a specified non-volatile memory location within a target printer.

Thus, a first of the two key features of the present invention is that upon the host device reading the "data storage file", the host device executes the "command data set", and this command data set causes the host device to transfer the enclosed data file to a non-volatile memory location of a target printer. A reason for specifying non-volatile memory is to differentiate with a printer's print buffer, which by definition is volatile memory. Thus, the print data is not being transferred to the target printer for printing directly. But rather is being transfer to the target printer for long term storage purposes.

Hamzy is silent on any command set that, when executed, causes a host device to transfer print data to a specific non-volatile memory location of a target printer.

A second key feature of the present invention is the transfer of the "command data set" and "print data" to the host device. That is, the present invention requires the creation of print data and requires that both the print data and command data set be sent to the host device.

By contrast, Hamzy directly teaches against the transfer of print data to a host device, or printer. This is explained more fully in Applicant's Response B, dated May 9, 2006, filed in response to the Office Action dated February 21, 2006 (Paper No./Mail Date 200600210).

In the Advisory Action mailed May 17, 2006 (Paper No. 20060514), it was suggested that a JVM file is a print file because it can be used to "recreate any print data as if binary rasterized data were sent. This technique is well known

within the art as a PCL or PJJL file; and it is commonly accepted that PCL/PJJL files such as PDL or Postscript comprise 'print data' ".

Applicants respectfully disagree. It would appear that Applicants previous arguments were construed to assume that "print data" referred only to rasterized data. This is incorrect. Hamzy defines print data quite clearly, and includes PDL and Postscript type data in his definition of print data. As it is known in the art, PDL and Postscript are printing languages used to describe print images. For example, it is quicker to define a circle of a given diameter, than it is to provide a rasterized (i.e. binary) representation of the circle. However, in col. 1, lines 35-37, Hamzy defines print data as including, "bitmaps, data values, and output device-specific language commands". As it would be understood, these device-specific language commands refer to postscript or PDL printer languages specific to postscript printers or PDL printers. Thus, Hamzy makes a clear distinction between a print file, which describes an image to be printed, and a meta file generated during the creation of a print file. The meta file contains the command calls necessary to create a print file, but the meta file is not itself a print file. However, since Hamzy is porting the OS/2 method described in his prior art section to a Java environment, Hamzy describes the use of a JVM, or Java class, file in place of a print file. Thus, Hamzy clearly teaches against the transfer of a print file to a host device (col. 2, lines 18-29) and (col. 13, lines 18-26).

Applicants spoke separately with Examiner Kang and with his supervisor, Twyler M. Lamb. Separately, both agreed that the Hamzy reference did not appear to read on all the limitations of the present invention. Indeed, Hamzy appeared to teach against a key feature of the present invention. However, Applicants were unable to schedule a joint interview with both Examiner Kang and Supervisor Lamb prior to the due date for a response to the Advisory Action of May 17, 2006, which prompted Applicants to file the present Pre-Appeal Brief.

Applicants believe that it has been clearly shown that at least the U.S.C. 102(b) rejections based on the Hamzy reference of the present claims is inappropriate.

In an interview with Examiner Kang on June 20, 2006, Examiner Kang stated that he intended to withdraw the current Final Rejection, and issue a new Office Action. Withdrawal of the current Final Rejection would render the present Pre-Appeal Brief moot, for which, Applicants would thank the Examiner.

Respectfully submitted,

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